

Child Care Issues in the 108th Congress

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Summary

The 108th Congress inherited several child care-related agenda items from the previous Congress, including tasks of providing FY2003 appropriations for many child care-related programs and the reauthorization of both the Child Care and Development Block Grant (CCDBG) and the welfare block grant (Temporary Assistance for Needy Families (TANF). The appropriations task was completed, whereas the issue of reauthorizing CCDBG and TANF will again spill over, into the hands of the 109th Congress.

FY2003 appropriations were provided in the form of the Consolidated Appropriations Resolution 2003, signed into law (P.L. 108-7) on February 20, 2003. Among other funding, the law included \$2.1 billion in discretionary funds for the CCDBG and \$6.668 billion for Head Start. Mandatory child care funding and TANF block grant funding (both of which expired at the end of FY2002) have been provided at the FY2002 level via a series of temporary extensions, as the programs await reauthorization. The 109th Congress will confront an additional extension if reauthorization legislation is not passed before March 31, 2005.

Two weeks prior to the signing of the FY2003 appropriations law, the Administration released its budget request for FY2004. It proposed to maintain level funding for the CCDBG, TANF, and the Social Services Block Grant (SSBG), while providing increases for Head Start, Early Reading First, and Individuals with Disabilities Education Act (IDEA) grants for infants and families. The FY2004 budget requested cuts in funding for the 21st Century Community Learning Centers and Even Start.

The President's FY2004 budget also included proposals to transfer the Head Start program from HHS to the Department of Education, and to offer states the opportunity to administer the Head Start program, both in the context of the program's anticipated reauthorization, which, like that of CCDBG and TANF, did not occur during the 108th Congress. The House-passed reauthorization bill (H.R. 2210) did not include the transfer proposal, but it did propose an eight-state demonstration program. The Senate HELP committee-reported bill (S. 1940) contained neither the transfer nor the state demonstration proposals, and differed markedly from the House-passed bill. A Strategic Teacher Education Program and a national reporting system for assessing Head Start programs' effectiveness with respect to promoting school readiness were implemented without legislative action.

The FY2004 appropriations bill was not signed into law (P.L. 108-199) until 10 days before the President's FY2005 budget was released. FY2004 appropriations generally maintained the prior year's funding, with Head Start and Early Reading First receiving increases. For FY2005, the President requested level funding for the CCDBG, SSBG, 21st CCLC and IDEA preschool; increases for Head Start, Early Reading First, and IDEA infants and families; and no funding for the Early Learning Fund and Even Start. Final FY2005 appropriations mirrored only a portion of the proposed increases, and did not eliminate the latter two programs.

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Recent Developments

On December 8, 2004, the Consolidated Appropriations Act, 2005 (H.R. 4818) was signed into law (P.L. 108-447), providing funding for a variety of child care and related programs. The law includes an across-the-board rescission of 0.8%, which applies to the discretionary programs discussed in this report; however, not all federal agencies (e.g., the Department of Health and Human Services) have released funding tables reflecting the rescission, so precise appropriation levels remain to be seen. (For details regarding FY2005 funding for child care and related programs, see FY2005 Appropriations, later in this report.)

On September 30, 2004, Congress approved H.R. 5149 (P.L. 108-308), a measure to extend funding (at the current rates) for both TANF and the mandatory portion of the Child Care and Development Fund through March 31, 2005. (Both the TANF and CCDF programs continue to await reauthorization.)

Federal Child Care-Related Programs and Tax Provisions

Several federal programs support child care or related services, primarily for low-income working families. In addition, the tax code includes provisions specifically targeted to assist families with child care expenses. Descriptions of those programs and tax provisions follow, as does **Table 1**, which shows funding (or estimated revenue loss or obligations where applicable) for the programs and tax provisions for the past five years. In many cases, other Congressional Research Service (CRS) reports are referenced as sources for more detailed information about individual programs. Several programs were up for reauthorization during the 108th Congress (i.e., CCDBG, TANF, Head Start, and IDEA), and readers should be aware that this report does not attempt to cover all issues connected with each of those reauthorizations.

Child Care and Development Block Grant (CCDBG) 1

The primary federal grant program funding child care is the CCDBG, which was created in 1990, and reauthorized and substantially expanded in 1996, as part of welfare reform. The CCDBG has been due to be reauthorized since the end of FY2002, and remains so as the 108th Congress comes to a close. The CCDBG is administered by HHS, and provides formula block grants to states, which use the grants to subsidize the child care expenses of families with children under age 13, if the parents are working or in school and family income is less than 85% of the state median. (In practice, many states establish income eligibility levels that are lower than this federal threshold.) Child care services are provided on a sliding fee scale basis, and parents may choose to receive assistance through vouchers or certificates, which can be used with a provider of the parents' choice, including sectarian providers and relatives.

States receiving CCDBG funds must establish child care licensing standards, although federal law does not dictate what these standards should be or what types of providers must be covered. In addition, states must have health and safety requirements applicable to all providers receiving CCDBG subsidies that address prevention and control of infectious diseases, building and physical premises safety, and health and safety training for care givers. However, federal law does not dictate the specific contents of these requirements.

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¹ For more information, see CRS Report RL30785, *The Child Care and Development Block Grant: Background and Funding*, by Melinda Gish.

The CCDBG is funded through both discretionary and capped entitlement grants (referred to in combination as the Child Care and Development Fund, or CCDF), and state maintenance-of-effort (MOE) and matching requirements apply to part of the entitlement funds.² States must use at least 4% of their total funds to improve the quality and availability of child care, and according to statute, must target 70% of entitlement funds on welfare recipients working toward self-sufficiency or families at risk of welfare dependency. However, because all families falling below the 85% of state median income requirement can be categorized as "at risk," the 70% targeting of the welfare and at-risk population does not necessarily mean welfare families must be served. In theory, all funds may be used for low-income, non-welfare, working families. However, state plans indicate that many states guarantee child care to welfare families. No more than 5% of state allotments may be used for state administrative costs.

For FY2005, the Consolidated Appropriations Act (P.L. 108-447) provides \$2.1 billion (minus an across-the-board rescission of 0.8%) in discretionary funding for the Child Care and Development Block Grant. Mandatory (or "entitlement") CCDBG funding beginning in FY2003 has been provided at the FY2002 rate (\$2.717 billion for the year), under a series of funding extensions. The eighth extension (H.R. 5149) was approved by Congress and signed into law (P.L. 108-308) on September 30, 2004. It provides funding (at the same FY2002 rate) through March 31, 2005.

Temporary Assistance for Needy Families (TANF)

TANF, created in the 1996 welfare reform law (P.L. 104-193), provides fixed block grants (\$16.5 billion annually through FY2002, and extended through March 31, 2005, by H.R. 5149/P.L. 108-308) for state-designed programs of time-limited and work-conditioned aid to needy families with children. Child care is one of many services for which states may use TANF funding. In FY2003, HHS reports that states spent \$1.7 billion in federal TANF funds for child care within the TANF program, and \$1.77 billion in state TANF and separate state program (SSP) MOE funds. (Of that \$1.77 billion in state spending, approximately \$905 million could be "double counted" as state spending toward the CCDF MOE requirement.) In addition, states may transfer up to 30% of their TANF allotments to the CCDBG (CCDF), to be spent according to the rules of that program (as opposed to TANF rules). The transfer from the FY2003 TANF allotment to the CCDBG totaled almost \$1.9 billion (representing 11% of the FY2003 TANF allotment).

Child and Adult Care Food Program (CACFP)

The CACFP provides federal funds (in some cases commodities) for meals and snacks served in licensed child care centers, family and group day care homes, and Head Start centers. Child care providers that are exempt from state licensing requirements must comply with alternative state or federal standards. Children under 12, migrant children under 15, and children with disabilities of any age may participate, although most are preschoolers. Eligible providers are usually public and private nonprofit organizations. The CACFP is an open-ended entitlement, administered by the Department of Agriculture. For FY2005, obligations are estimated to be \$2.1 billion.⁴

² For more detailed information on the CCDF financing structure and spending trends, see CRS Report RL31274, *Child Care: Funding and Spending under Federal Block Grants*, by Melinda Gish.

³ For more information on use of TANF funding for child care, see CRS Report RL31274, *Child Care: Funding and Spending under Federal Block Grants*, by Melinda Gish.

⁴ See CRS Report RL31577, Child Nutrition and WIC Programs: Background and Funding, by Joe Richardson.

Social Services Block Grant (SSBG)

Title XX of the Social Security Act authorizes Social Services Block Grants, which may be used for social services at the states' discretion. There are no federal income eligibility requirements, targeting provisions, service mandates, or matching requirements. An HHS analysis of state expenditures indicates that almost 8% of total SSBG expenditures made in FY2002 (\$205 million) were for child care in that year, almost equal to those made for child care in FY2001 (\$201 million). Title XX is a capped entitlement, and state allocations are based on relative population size. It should be noted that although the SSBG has an entitlement ceiling, appropriations may not always abide by it. For example, the ceiling in FY2001 was \$1.7 billion; however, Congress appropriated \$1.725 billion for that year, despite the ceiling. The Consolidated Appropriations Act, 2005 (P.L. 108-447) provides \$1.7 billion for the SSBG and maintains states' authority to transfer up to 10% of their TANF block grants to the SSBG. (**Note**: the SSBG is not a discretionary program, and thus is not affected by the across-the-board rescission.)⁵

Head Start

Head Start provides comprehensive early childhood education and development services to lowincome preschool children, typically (but not always) on a part-time basis. The Head Start Act has been due to be reauthorized since the end of FY2003; however, the Act was not reauthorized during the 108th Congress. Funding has nevertheless been provided through the appropriations process. Under current law, Head Start funds are provided directly by HHS to local grantees, which must comply with detailed federal performance standards. However, in its FY2004 budget request, the Administration proposed to give *states* the opportunity to administer Head Start, provided they demonstrate how Head Start will be coordinated with other preschool programs and services to emphasize developing skills and behaviors including language development; prereading skills; numeracy; and social and emotional competence, while meeting state-established accountability standards. This proposal proved controversial in both the House and Senate, and reauthorization legislation proposed by the House included a more limited version of it. There was no sign of the provision in the Senate's committee reported bill. The Head Start reauthorization bill passed by the House (H.R. 2210) on July 25, 2003, would have restricted the state demonstration option to a maximum of eight states, whereas the Senate HELP Committeereported bill (S. 1940), proposed no state demonstration option. ⁶ Similarly, the President's FY2004 budget proposal to fully transfer authority over the Head Start program from HHS to the Department of Education by FY2005 was not championed in either the House or Senate legislation proposed during the 108th Congress.

The most recent available data show funded enrollment for Head Start in FY2003 to have totaled 909,608 children (of whom almost 73,000 were under age three, participating in Early Head Start). The Consolidated Appropriations Act, 2005 (P.L. 108-447) provides \$6.899 billion for Head Start, of which \$1.4 billion becomes available in FY2006. (Note: The \$6.899 billion does not reflect the across-the-board 0.8% offset, to which Head Start is subject.)

21st Century Community Learning Centers (21st CCLC)

The 21st Century Community Learning Centers program is administered by the Department of Education and is authorized under the Elementary and Secondary Education Act (ESEA), as

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⁵ See CRS Report 94-953, Social Services Block Grant (Title XX of the Social Security Act), by Melinda Gish.

⁶ For more information, see CRS Report RL30952, Head Start Issues in the 108th Congress, by Melinda Gish.

amended in 2002 by the No Child Left Behind Act (P.L. 107-110).⁷ Funding for the 21st CCLC program is provided to states under a formula grant, based on states' shares of Title I, Part A funds. States then use their allocations to make competitive awards to local educational agencies, community-based organizations, or consortia of public or private agencies that primarily serve students who attend schools with concentrations of poor students or low-performing schools. The focus of the program is to provide after-school academic enrichment opportunities for children in these communities. The appropriation provided by the Consolidated Appropriations Act, 2005 (P.L. 108-447) is \$991 billion. (This amount *does* reflect the 0.8% rescission—as provided by tables released by the Department of Education on December 9, 2004.)

Even Start

The Department of Education administers the Even Start program, which provides grants for family literacy projects that include early childhood education.⁸ The appropriations for FY2005 is \$225 million (which reflects the 0.8% offset).

Individuals with Disabilities Education Act (IDEA) Programs

The Individuals with Disabilities Education Act (IDEA) authorizes an early intervention program for infants and toddlers with disabilities and their families, and preschool grants for children with disabilities. IDEA was reauthorized during the 108th Congress. FY2005 appropriations for the IDEA infants and toddlers program are \$441 million, and the funding level for the preschool grants program is \$385 million (both amounts reflect the 0.8% offset).

Early Learning Fund/Early Learning Opportunities Act Program

This HHS program (referred to by both names), authorized by the FY2001 Consolidated Appropriations Act (P.L. 106-554), provides grants to communities to enhance school readiness for children under five, specifically by funding efforts to improve the cognitive, physical, social, and emotional development of these children. Although authorized at \$600 million, FY2002 funding for the program was set at \$25 million; FY2003 funding was set at \$34 million (despite the President's FY2003 budget proposal to eliminate the program) and for FY2004, P.L. 108-199 included \$34 million for the Early Learning Fund. The FY2005 appropriation (prior to the 0.8% rescission) is \$36 million.

Early Reading First

The Early Reading First program, authorized by the Elementary and Secondary Education Act of 1965 (as amended), supports local efforts to enhance the school readiness of young children—particularly those from low-income families—through scientific research-based strategies and professional development that are designed to enhance the verbal skills, phonological awareness, letter knowledge, and pre-reading skills of preschool age children. The program provides competitive grants to eligible local educational agencies (LEAs) and to public or private

⁷ For more information, see CRS Report RL31240, 21st Century Community Learning Centers in P.L. 107-110: Background and Funding, by Gail McCallion.

⁸ For more information, see CRS Report RL30448, *Even Start Family Literacy Programs: Background and Reauthorization Issues*, by Gail McCallion.

⁹ For more information, see CRS Report RL31273, *Individuals with Disabilities Education Act (IDEA): Early Childhood Programs (Section 619 and Part C)*, by Richard Apling.

¹⁰ For more information, see CRS Report RL31241, *Reading First and Early Reading First: Background and Funding*, by Gail McCallion.

organizations or agencies that are located in eligible LEAs. The Department of Education may award grants for up to six years. For FY2005, this program is funded at \$104 million (0.8% offset included).

Early Childhood Educator Professional Development

The Department of Education provides competitive grants to partnerships to improve the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty. For FY2005, \$15 million is appropriated for these grants.

Loan Forgiveness for Child Care Providers

Authorized under the Higher Education Act amendments of 1998, the loan forgiveness for child care providers program aimed to retain and encourage more highly trained individuals to enter into the early child care profession. "Early child care" covered activities and services provided for the education and care of children from birth through age five. Under this program, borrowers who had earned a degree in early childhood education, and worked for two full years as a child care provider in a low-income community, could have had a portion of their federal program loan obligations forgiven. FY2001 marked the first year that this program was funded, at \$1 million—the same amount appropriated for FY2002 and FY2003. This program was not funded for FY2004 or FY2005.

Child Care Access Means Parents in School (CAMPIS)

Authorized under the Higher Education Act amendments of 1998, and first funded for FY1999 at \$5 million, the CAMPIS program is designed to support the participation of low-income parents in post-secondary education through campus-based child care services. Discretionary grants of up to four years in duration are awarded competitively to institutions of higher education, to either supplement existing child care services, or to start a new program. Funding for FY2005, as included in the Consolidated Appropriations Act, is \$16 million.

Dependent Care Tax Credit (DCTC)

The DCTC is a non-refundable tax credit for employment-related expenses incurred for the care of a dependent child under 13 or a disabled dependent or spouse, under Section 21 of the tax code. Beginning in tax year 2003, the Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107-16) increases the maximum credit rate to 35% of expenses up to \$3,000 for one child (for a credit of \$1,050), and up to \$6,000 for two or more children (for a credit of \$2,100). The 35% rate will apply to taxpayers with adjusted gross incomes of \$15,000 or less. The rate will decrease by 1% for each additional \$2,000 increment (or portion thereof) in income until the rate reaches 20% for taxpayers with incomes over \$43,000. The current estimated revenue loss for 2004 is \$3.1 billion, and \$2.6 billion for 2005 as determined by the Joint Committee on Taxation (JCT).

¹¹ For more information, see CRS Report RS21466, *Dependent Care: Current Tax Benefits and Legislative Issues*, by Christine Scott.

Dependent Care Assistance Program (DCAP)

Under Section 129 of the tax code, payments made by a taxpayer's employer for dependent care assistance may be excluded from the employee's income and, therefore, not be subject to federal income tax or employment taxes.¹² The maximum exclusion is \$5,000. Section 125 of the tax code allows employers to include dependent care assistance, along with other fringe benefits, in nontaxable flexible benefit or "cafeteria" plans. The estimated revenue loss associated with this income exclusion is \$800 million in 2004 and \$900 billion for 2005.

Table I. Funding for Federal Child Care and Related Programs, FY2001-FY2005 (\$ in millions)

Program (Federal Admin. Agency)	2001	2002	2003	2004	2005
CCDBG -discretionary portion ^a (HHS)	\$2,000	\$2,100	\$2,086 ⁱ	\$2,0871	\$2,100 ^m
CCDBG -entitlement portion (HHS)	2,567	2,717	2,717c	2,717c	2,717c
TANF ^b (HHS)	b	b	b	b	b
Child and Adult Care Food (USDA)	1,7 42 d	1,831d	1,926d	2,013d	2,059d
Social Services Block Grants ^d (HHS)	1,725e	1,700e	1,700e	1,700e	1,700e
Head Start (HHS)	6,200 ^f	6,538 ^f	6,667g	6,775 ^{f,l}	6,899 ^{f,l}
21st Century Community Learning Centers (ED)	846	1,000	994i	9991	991 ^m
Even Start (ED)	250	250	248i	2471	225 ^m
IDEA Infants and Families (ED)	384	417	434i	444	44 m
IDEA Preschool Grants (ED)	390	390	387 ⁱ	388 ¹	385 ^m
Early Learning Fund / ELOA (HHS)	20	25	34i	341	36 ^m
Early Reading First (ED)	n/a	75	75 ⁱ	941	104 ^m
Early Childhood Educator Prof. Develop. (ED)	10	15	15 ⁱ	151	15 ^m
Loan forgiveness for child care providers (ED)	1	1	Įi	0	0
Child care Access Means Parents in School (ED)	25	22 i	16 ⁱ	161	16 ^m
Dependent Care Tax Credit (Treasury)	2,500h	2,500h	3,200k	3,100k	2,600k
Dependent Care Assistance Program (Treasury)	500 ^h	600 ^h	800 ^h	800 ^h	900 ^h

Source: Table prepared by the Congressional Research Service (CRS).

- a. The CCDBG discretionary amounts shown in each column reflect the appropriated funding to be made available for that given year, taking the advance funding into account.
- b. TANF funds (\$16.5 billion annually) may be used for child care, but are not specifically appropriated as such. HHS reports that most recently states spent \$1.7 billion in federal TANF funds for child care within the TANF program in FY2003. Also, the FY2003 transfer from the FY2003 TANF allotment to the CCDBG totaled \$1.9 billion (representing 11% of the TANF allotment).
- c. Funding for TANF and the mandatory portion of CCDBG funding for FY2003 was provided (at the FY2002 rates) through a series of temporary extensions. For FY2004, funding was also provided via extensions (P.L. 108-262 carried funding through Sept. 30, 2004). For FY2005, P.L. 108-308 extends funding at this same rate through March 31, 2005.
- d. Estimated obligations, Department of Agriculture.

¹² Ibid.

- e. Total SSBG appropriation amount shown. In FY2002 (most recent data available), \$205 million in SSBG expenditures were for child care.
- f. In each of these years, \$1.4 billion was advance appropriated for the following year.
- g. Of the \$6.668 billion, \$5.268 billion was available for FY2003, and \$1.4 billion was available in FY2004. The \$5.268 billion was exempt from rescissions (or "offsets") included in P.L. 108-7. However, the advance appropriation of \$1.4 billion for FY2004, included in P.L. 108-7 was subject to the 0.59% rescission included in the FY2004 appropriations law (P.L. 108-199).
- h. Estimated revenue loss, Joint Committee on Taxation.
- i. Amount reflects rescission included in P.L. 108-7.
- j. This amount excludes \$3 million in unobligated funds transferred to the Program Administration account to help offset a \$3.7 million rescission in administrative and related expenses pursuant to section 803 of the FY2002 Supplemental Appropriations Act.
- k. Estimated revenue loss, Joint Committee on Taxation. Note: The Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) raised the limit on expenses allowed for the credit, beginning in tax year 2003.
- These discretionary programs were subject to an across-the-board rescission of 0.59% included in P.L. 108-199. For the larger programs, the listed amount reflects the rescission, whereas for the smaller programs, the use of rounding in the table masks the decrease in the actual appropriation.
- m. These discretionary programs are subject to an across-the-board rescission of 0.8% included in P.L. 108-447. The Department of Education has released tables with offset amounts, and those amounts are reflected here. HHS, however, has not provided information regarding how the offset affects its programs, and therefore the HHS appropriation numbers shown do not reflect the rescission.

n/a: not applicable, program not authorized prior to FY2002.

FY2003 Appropriations

For FY2003, Congress did not pass an individual bill making appropriations for the Departments of Labor, HHS, and Education. Instead, with 11 of 13 appropriations bills yet to be completed at the close of the 2002 fiscal year (September 30, 2002), followed by the end of the calendar year and Congressional session, the new 108th Congress undertook the task of passing an omnibus appropriations bill. They ultimately passed a consolidated resolution (H.J.Res. 2/H.Rept. 108-10), and it was signed into law (P.L. 108-7) by the President on February 20, 2003. Funding for the Departments of Labor, HHS, and Education was included in Division G of the law, and those levels are reflected in the FY2003 column of **Table 1**.

Readers should be aware that the Consolidated Appropriations Resolution, 2003 (P.L. 108-7), included provisions (Division N, Title VI) to cut a percentage (0.65%) of discretionary funding provided in specified Divisions (A-K), as an offset to increased spending in the law. The FY2003 amounts shown in **Table 1** reflect the "across-the-board" cut, however, in some cases the rescinded portion is small enough to not affect the rounded total. Of the programs addressed in this report, only Head Start received discretionary funding from this act that was specifically exempted from the percentage reduction.¹³

In the period between the beginning of FY2003 and enactment of P.L. 108-7, funding for programs lacking FY2003 appropriations measures was extended on a temporary basis via a series of continuing resolutions (CRs). A total of nine CRs were signed into law (the final being H.J.Res. 18/P.L. 108-5) before the Consolidated Appropriations Resolution, 2003 (H.J.Res. 2) was enacted (P.L. 108-7).

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¹³ The provision to exempt Head Start from any across-the-board rescission was proposed by Sen. Dodd as an amendment to H.J.Res. 2, and was accepted by the Senate.

FY2004: Comparing President Bush's Budget Proposals to the Final Appropriation Levels

President Bush released his Administration's proposed budget for FY2004 on February 3, 2003. A final appropriations bill was not signed into law (P.L. 108-199) until January, 23, 2004, following a series of continuing resolutions. The omnibus bill consolidated appropriations for multiple agencies, including the Departments of HHS and Education, both of which administer child carerelated programs. The following is a summary of child care-related funding and initiatives proposed in the FY2004 budget documents, and how those compared to enacted funding levels.

Table 2 shows how the funding requested by the President for FY2004 compared to House and Senate proposals, and ultimately, to the levels signed into law (P.L. 108-199).

CCDBG

The Administration's FY2004 budget included a request for the same *rounded* levels of CCDBG discretionary and mandatory ("entitlement") funding as were appropriated for FY2003 (and FY2002): \$2.1 billion in discretionary funding, and \$2.717 billion in mandatory funding. Likewise, the budget request proposed that the same set-asides be reserved from the discretionary funding total: \$19 million for child care resource and referral (of which \$1 million would be dedicated for the Child Care Aware hotline); \$273 million for quality child care activities (of which \$100 million would be dedicated to improving infant and toddler care); and \$10 million for child care research and evaluation.

The FY2004 appropriations law included the President's requested level of funding for the discretionary portion of the CCDBG, minus an across-the-board rescission of 0.59% that applied to many discretionary programs in the bill. The rounded figure remained \$2.1 billion for FY2004, and that amount encompasses all the set-asides requested by the President. (The mandatory portion of CCDBG funding is not appropriated as part of the appropriations bill process; however, such funding was provided for FY2004 at the same rate as in FY2003 through a series of extensions, the final of FY2004 being P.L. 108-262.)

Social Services Block Grant

The President's FY2004 budget proposed to continue funding the SSBG at its authorized level of \$1.7 billion. The Administration also proposed to maintain states' authority to transfer up to 10% of their TANF allotments to the SSBG if they so chose.

The FY2004 appropriations law provided the same level of funding for the SSBG as was appropriated in FY2003, and as was requested by the President. The transfer authority of 10% was also maintained.

Head Start

The Administration's FY2004 budget request included a funding increase for Head Start of \$148 million, which would have taken its total to \$6.816 billion (of which \$1.4 billion would be advance appropriated for FY2005). The budget request also included background information and proposals that were expected to be addressed as part of the program's anticipated reauthorization in 2004.

According to the FY2004 budget request, the Administration expected that in FY2004 almost 923,000 children would receive Head Start services, including 62,000 in Early Head Start. The Administration contended that the increased funding, coupled with the President's proposal to

allow *states* to administer Head Start in coordination with other preschool programs, would enable the program to maintain current service levels and increase enrollment by up to 10,500 children. (FY2004 program data are not yet available.) The FY2004 budget explained that "in order to improve coordination between Head Start and other federal, state, and local programs affecting pre-school children, the President plans to move responsibility for managing the Head Start program from the Department of Health and Human Services to the Department of Education."¹⁴ It proposed that this transition begin in 2004, with the Department of Education assuming full responsibility for the program in 2005.

The Administration's transfer proposal was not included in any legislative proposals introduced during the 108th Congress, however, the House reauthorization bill (H.R. 2210) would have allowed state administration for up to a maximum of eight states. The bill reported from the Senate HELP Committee, S. 1940, contained no such provision to allow state administration of Head Start.

The FY2004 consolidated appropriations law included \$6.816 billion, minus an across-the-board rescission of 0.59%, which reduced the Head Start funding total to approximately \$6.775 billion.

21st Century Community Learning Centers

The Administration requested \$600 million for 21st CCLC, a decrease of \$394 million from the FY2003 level. In the explanation of the request for less funding, the budget justification cited "disappointing initial findings from a rigorous evaluation of the centers funded in the program's first three years" (1999-2001).

Despite the President's initial request, Congress proposed (and the President approved) funding the 21st CCLC program at a level of \$1 billion. With the across-the-board rescission taken into account, the appropriation for FY2004 was \$999 million.

Even Start

The Administration requested \$175 million for Even Start in FY2004, which marked a decrease of \$73 million from the FY2003 funding level. The Department of Education's budget justifications cited the results from national evaluations of Even Start as support for decreasing the program's funding level. Furthermore, Even Start was among programs rated as "ineffective" by the Office of Management and Budget's new "Program Assessment Rating Tool" (PART). According to the Administration, the PART identified several weaknesses in Even Start, including lack of numerical targets to demonstrate progress toward short-term and long-term goals, and also cited findings from the aforementioned national evaluations.

The FY2004 appropriations law funded Even Start at a level of \$248 million, less the rescission, reducing it to \$247 million, still more than the President's requested amount.

IDEA Grants for Infants and Families

The Administration requested \$447 million for the IDEA grants for infants and families in FY2004, which reflected an increase of almost \$13 million above the FY2003 funding level. The Administration asserted that the proposed funding level would help states in meeting rising costs associated with implementing statewide systems, expanding child-find activities, serving larger

¹⁴ See Fiscal Year 2004 Budget of the U.S. Government: Analytical Perspectives, p. 251.

numbers of children, increasing the focus on providing services in natural environments, and improving transition services for children with disabilities and their families.

The FY2004 appropriation was slightly below the President's request, as the across-the-board rescission reduced the funding level to \$444 million.

IDEA Preschool Grants

The Administration requested \$390 million for the IDEA preschool grants in FY2004—the same rounded level as appropriated in FY2003 prior to the rescission, which decreased funding by about \$2.5 million. In 2002, the preschool grant program served 617,394 children aged three through five years, and the Department of Education predicts that the number of children served will increase by 2.5% from 2003 to 2004.

As with the IDEA grants for infants and families, the FY2004 appropriations law funded the IDEA preschool grants at the level requested by the President—less the 0.59% rescission—which brought it to a level of \$388 million.

Early Learning Fund/Early Learning Opportunities Act Program

The Administration requested no funds in its FY2004 budget for this program. Instead, the President proposed to fund similar activities through the Early Reading First program and the Early Childhood Education Professional Development Grant.

Although the House followed the President's lead in proposing to eliminate the Early Learning Opportunities Act program, the Senate favored funding it, and ultimately, the FY2004 appropriations law included \$34 million for this program.

Early Childhood Educator Professional Development

The Administration requested \$15 million for supporting Early Childhood Educator Professional Development in FY2004, the same level provided in FY2003, prior to the \$98,000 rescission. According to budget justifications, the request would support a new round of grants for use in helping local communities (especially those with high concentrations of young children in poverty) to improve the knowledge and skills of early childhood educators and care givers.

The FY2004 appropriations law included \$25 million for Early Childhood Educator Professional Development, as requested by the President in his FY2004 budget.

Early Reading First

The Administration requested \$100 million for the Early Reading First program in FY2004, an increase of \$25 million over the FY2003 funding level. The proposed increase would support efforts in additional low-income communities to develop model programs for fostering the school readiness of young children. As mentioned above, the Administration proposed to eliminate the Early Learning Opportunities Act program (also known as the Early Learning Fund) to fund similar programs through the Early Reading First program and the Early Childhood Education Professional Development Grant (see above).

The Early Reading First program received an increase in funding under the FY2004 appropriations law, but not as much as was requested by the President. The law included \$94 million for this program in FY2004.

Child Care Access Means Parents in School (CAMPIS)

The Administration requested \$15 million in FY2004 for CAMPIS. This marks a decrease of slightly over \$1 million from the FY2003 appropriation level. The Administration stated that the FY2004 funds would be used for the continuation of grants first funded in FY2001 and FY2002. No funds were requested for new grant awards.

The FY2004 appropriations law maintained CAMPIS funding at a level of \$16 million—\$1 million more than was requested by the President.

Loan Forgiveness for Child Care Providers

The Administration requested no funding for this program in FY2004, and none was appropriated. According to the Department of Education's budget justifications, "funding at the current level [\$994,000 in FY2003] is not cost-effective to administer and does not support a broad enough pool of recipients from which representative data on the effectiveness of loan forgiveness can be assessed." The same document notes that the elimination of funding would not affect existing recipients, because funds have already been obligated to support them through the five-year forgiveness period.

Table 2. Comparison of FY2004 President's Request and House and Senate Proposals with Final FY2004 Appropriations

(\$ in millions)

Duo muo ma	FY2004 President's	FY2004 House- passed bill	FY2004 Senate-passed version	FY2004 Omnibus H.R. 2673 (H.Rept. 108-401) ²	
Program	request	H.R. 2660	H.R. 2660	P.L. 108-199	
CCDBG discretionary	\$2,100	\$2,100	\$2,100	\$2,087	
CCDBG mandatory	2,717	b	b	b	
SSBG	1,700	1,700	1,700	1,700	
Head Start	6,816	6,816	6,816	6,775	
21st CCLC	600	1,000	1,000	999	
Even Start	175	250	175	247	
IDEA infants and families	447	447	447	444	
IDEA Preschool	390	390	390	388	
Early Learning Fund	0	0	38	34	
Early Childhood Educator Professional Development	15	15	15	15	
Early Reading First	100	100	85	94	
Child Care Access Means Parents in School (CAMPIS)	15	15	16	16	
Loan Forgiveness for child care providers	0	0	0	0	

Source: Table prepared by the Congressional Research Service (CRS).

a. The omnibus appropriations law included an across the board rescission of 0.59% that applies to discretionary programs listed here (among others). The Department of Education has released tables with the appropriation amounts reflecting the rescission, and that is reflected in the table, as are the amounts

- included in the FY2005 HHS budget justifications, which reflect the rescission. Please note, however, that in some cases the rescission amount is negligible due to rounding used in this table.
- b. The mandatory portion of CCDBG funding is not included in the Labor/HHS/ED or omnibus appropriations bills. Like the TANF block grant, the mandatory child care funding has been funded via additional legislative action in the form of temporary extensions. (Funding was provided through Sept. 30, 2004 via P.L. 108-262.)

The final column of **Table 2** shows the final child care and related program funding amounts included in the omnibus as passed into law. These were the levels agreed to in conference (H.Rept. 108-401). Previously, the House passed its version of a Labor/HHS/ED FY2004 appropriations bill (H.R. 2660) on July 10, 2003, and **Table 2** shows the amounts that were included in that bill for comparison. Likewise, the table shows the amounts that were included in the amended version of H.R. 2660 as passed by the Senate on September 10, 2003. All amounts can be compared to the President's requested funding levels, shown in the first column of numbers.

President Bush's FY2005 Budget Request

On February 2, 2004, President Bush released his budget request for FY2005. For several programs, such as the CCDBG, SSBG, and 21stCCLC, the President proposed to maintain funding at the same rounded level provided in FY2004. (In the case of the CCDBG, the requested amount was \$12 million more than the final FY2004 appropriation including the rescission.) Two child care-related programs were proposed to be eliminated: Even Start, and the Early Learning Opportunities Act program (but both were ultimately funded in the FY2005 appropriations law—P.L. 108-447). Instead of continuing to fund these two programs, the Administration proposed to redirect funds to Reading First and Early Reading First, which they contended were more successful literacy programs. The budget proposed to increase funding for Early Reading First by \$38 million.

The Administration also proposed to increase funding for Head Start—by \$169 million. The President's FY2005 budget requested \$6.9 billion for Head Start, estimating that it would help provide 919,000 children with Head Start services (including 62,000 children in Early Head Start) in FY2005. Of the \$6.9 billion, the Administration proposed to use \$45 million to fund nine state pilot projects to coordinate state preschool programs, federal child care grants, and Head Start into a comprehensive system of early childhood programs. This coordination was proposed in keeping with the Administration's goal of improving preschool programs to help ensure school readiness.

The Administration's budget documents also stated that in FY2005, Head Start will contribute to the President's Marriage and Healthy Family Development Initiative by offering training for between 2,000 and 3,000 Head Start parents "in a science-based curriculum designed to improve early language and literacy skill outcomes."

Table 3 provides the Administration's proposed funding levels for child care and related programs for FY2005 compared to the level of funding received for FY2004.

Table 3. Bush Administration's FY2005 Funding Request Compared to FY2004 Funding for Select Programs

(\$ in millions)

Program	President's request FY2005	FY2004 Funding	Difference (+/-) between President's FY2005 request and FY2004 Funding ^a
CCDBG discretionary	\$2,100	\$2,087	+\$12
CCDBG mandatory	2,717	2,717	same level
SSBG	1,700	1,700	same level
Head Start	6,944	6,775	+\$169
21st CCLC	999	999	same level
Even Start	0	247	-\$247
IDEA infants and families	467	444	+\$23
IDEA Preschool	388	388	same level
Early Learning Fund	0	34	-\$34
Early Childhood Educator Professional Development	15	15	same level
Early Reading First	132	94	+\$38
Child Care Access Means Parents in School (CAMPIS)	16	16	same level

Source: Table prepared by the Congressional Research Service

FY2005 Appropriations

At the close of FY2004, Congress had yet to pass an appropriations bill for FY2005, and as a result, a series of continuing resolutions (P.L. 108-309, P.L. 108-416, and P.L. 108-434) extended funding for the federal government up through December 8, 2004, when the Consolidated Appropriations Act 2005 (H.R. 4818) was ultimately signed into law (P.L. 108-447). Funding for the Departments of Labor, Health and Human Services, and Education—the departments responsible for administering most of the child care and related programs described in this report—is included in Division F of the law. The law does include an across-the-board offset of 0.8% for most discretionary programs for which FY2005 funds have been appropriated. Not all federal agencies have released revised appropriation numbers reflecting how the rescission will be applied to programs under their purview. The Department of Education, however, has published revised amounts, and this report reflects that.

The final column of **Table 4** shows the FY2005 appropriation levels included in the final law. (Reminder: HHS has not yet released revised appropriation amounts to reflect the offset.) Also shown in the table are the amounts that were proposed by the President in his FY2005 budget, and the proposed funding levels passed by the House and Senate Appropriations Committee, respectively.

a. The omnibus appropriations law (P.L. 108-199) included an across-the-board rescission of 0.59%. The differences shown in this column were calculated using the FY2004 appropriation levels listed in the HHS FY2005 budget justification, and, in the case of Department of Education programs, the tables released alongside the FY2005 budget request. In some cases, rounded figures may mask slight changes in funding.

Other than the proposed funding levels for Head Start and Even Start, the House and Senate Committee-passed bills mirrored each other with respect to funding for programs shown in the table. However, one difference between the House and Senate Committee versions concerned the allowable transfer authority of TANF funds to the SSBG. Under the House bill (H.R. 5006) the percentage of a state's TANF block grant that it may transfer to the SSBG would have been reduced from 10% to 4.5%, whereas the Senate's committee-passed bill, and ultimately, the final law, maintains the percentage at 10%.

Table 4. FY2005 Proposed and Enacted Funding Levels for Select Programs (\$ in millions)

Program	President's request for FY2005	House- passed H.R. 5006 (for FY2005)	Senate Committee- passed S. 2810 (for FY2005)	FY2005 Funding (P.L. 108- 447)
CCDBG discretionary (HHS)	\$2,100	\$2,100	\$2,100	2,100
CCDBG mandatory (HHS)	2,717	NA^a	NAª	NAª
SSBG (HHS)	1,700	1,700	1,700	1,700
Head Start (HHS)	6,944	6,899	6,935	6,899
21st CCLC (ED)	999	999	1,007	991
Even Start (ED)	0	247	0	225
IDEA infants and families (ED)	467	467	444	441
IDEA Preschool (ED)	388	388	390	385
Early Learning Fund (HHS)	0	0	0	36
Early Childhood Educator Professional Development (ED)	15	15	15	15
Early Reading First (ED)	132	132	110	104
Child Care Access Means Parents in School (CAMPIS) (ED)	16	16	16	16

Source: Table prepared by the Congressional Research Service

Administration's Early Childhood Initiative

Proposals included in the FY2004 and FY2005 budgets and other efforts underway during the 108th Congress reflect the goals outlined in *Good Start, Grow Smart: The Bush Administration's Early Childhood Initiative*, first announced by the President in April of 2002. Good Start, Grow Smart focuses on three overall areas: 1) strengthening Head Start; 2) partnering with states to improve early childhood education; and 3) providing information to teachers, care givers, and parents. As mentioned above, the President's FY2004 budget proposed to transfer the Head Start program to the Department of Education, as well as to provide states with the option to administer the program. The Head Start reauthorization bill passed by the House (H.R. 2210) did not include the proposal to transfer the program to ED, but did include provisions to allow a maximum of eight states to administer the program (provided they meet designated requirements).

a. The mandatory portion of CCDBG funding is not included in the Labor/HHS/ED appropriations bills. Like the TANF block grant, the mandatory child care funding has been provided via additional legislative action in the form of temporary extensions. For FY2005, a temporary extension (P.L. 108-308) provides funding at the annual rate of \$2.717 billion through March 31, 2005.

The Administration moved ahead with two additional efforts that are in keeping with the Good Start, Grow Smart initiative, but that did not require legislative changes to the Head Start Act. One is the Strategic Teacher Education Program, also known as Project STEP, described by the Head Start Bureau as "a comprehensive, multi-faceted, sequential professional development endeavor to ensure teachers use research-based strategies to implement early and emergent literacy." As part of this development, during the summer and fall of 2002, 3,000 Head Start staff and 100 state child care administrators received 32 hours of training in strategies to support children's emerging literacy. Those who were trained are expected to serve as "mentor coaches" for staff within their respective Head Start programs.

The second effort is the development and implementation of a national reporting system that can be used to assess the effectiveness of Head Start programs in achieving successful outcomes for children in terms of school readiness—particularly the areas of literacy and number knowledge. This national reporting system was implemented starting in the Fall of 2003, and assesses Head Start four-and five-year olds twice a year on educational performance measures—using indicators that were included in legislation as part of the 1998 reauthorization of Head Start.

Legislative Activity in the 108th Congress

Child Care and Welfare Reauthorization

Several bills pertaining specifically to TANF and CCDBG reauthorization were introduced in the latter part of the 107th Congress, however, none were passed into law. Therefore, the reauthorizations of both programs remained on the agenda in the 108th Congress. Legislation to reauthorize the programs received attention, but never made it out of both House and Senate. The House passed reauthorization bills for both TANF/CCDBG (H.R. 4) and Head Start (H.R. 2210), whereas in the Senate, comparable bills: H.R. 4 (TANF/mandatory child care funding), S. 880 (CCDBG), and S. 1940 (Head Start) were reported out of committee, but did not clear the floor. H.R. 4 (TANF/mandatory child care) was on the floor for consideration March 29-April 1, and one amendment (Snowe) to increase mandatory child care funding was passed (78-20); however, the Senate did not resume consideration of the bill during the remainder of the 108th Congress. Following are brief summaries of the child care provisions included in bills that were introduced in the House and Senate.

S. 880, The Caring for Children Act of 2003 (Reported by Senate HELP Committee, April 2, 2003)

S. 880 was approved in committee with bipartisan support. Title I of the bill would have amended and reauthorized the Child Care and Development Block Grant (CCDBG). It included provisions that would have authorized discretionary funding at \$2.3 billion in FY2004, increasing by \$200 million increments to a level of \$3.1 billion in FY2008; increased the percentage of funds that must be used for quality activities (newly specified in the proposal) from 4% to 6%; instructed states to use not less than 70% of funds remaining after quality and administrative set-asides for direct services (as defined by states); added three new goals to the act: 1) improving the quality of child care, 2) promoting school preparedness through developmentally and age-appropriate activities in child care, and 3) promoting parental and family involvement in the education of young children in child care settings; eliminated the federal eligibility maximum limit of 85% of state median income (SMI); required states to describe in their state plans how they would coordinate with other early childhood programs such as Head Start, state pre-kindergarten, and IDEA to expand accessibility to and continuity of care; required states to conduct statistically

valid market rate surveys within two years preceding their state plans, and to set rates in accordance with the results (without reducing the number of children served); expanded data collection requirements; and required states beginning in FY2004 to submit a plan addressing the quality of child care services provided. Title II of the bill contained provisions to enhance security at child care centers in federal facilities, and Title III would have established a small business child care grant program, through which competitive grants would be awarded to states for establishment and operation of employer-operated child care programs.

S. 1443, by Senator Carper (introduced July 22, 2003)

The Building on Welfare Success Act of 2003 (S. 1443) was a welfare reauthorization bill that included an extension and increase in mandatory funding for the Child Care and Development Fund (CCDF). The bill would have amended Sec. 418 of the Social Security Act to provide an additional \$6 billion above current funding levels over the next five years. In FY2004, \$3.467 billion would have been provided for the mandatory portion of the CCDF, rising to \$4.717 billion in FY2008.

H.R. 4, by Representative Pryce (introduced February 4, 2003, passed the House February 13, 2003)

The Personal Responsibility, Work, and Family Promotion Act of 2003, H.R. 4, mirrored the welfare and child care reauthorization bill passed by the House last Congress, ¹⁵ with respect to the bill's child care provisions. H.R. 4 would have set mandatory child care funding at \$2.917 billion in each of FY2004-2008 (for an increase of \$1 billion over five years above current funding). The authorized level for the discretionary portion of Child Care and Development Block Grant (CCDBG) funding would have been increased by \$200 million annually beginning in FY2004 (\$2.3 billion), reaching \$3.1 billion in FY2008.

This bill would also have increased the child care quality set-aside from 4% to 6%, and would have amended state child care plan requirements to encourage states to improve the quality of child care available to families, and to promote school readiness by encouraging the exposure of children in care to nurturing environments and developmentally-appropriate activities. Likewise, the bill would have allowed states to establish CCDBG income eligibility limits at any level (prioritized by need), eliminating current law's federal limit of 85% of state median income. Lastly, the bill would have required that aggregated statistics on child care supply, demand, and quality be included in biennial reports to Congress.

H.R. 4 (Senate Finance Committee Version) Personal Responsibility and Individual Development for Everyone (Reported by Senate Finance Committee, October 3, 2003)

The Senate Finance Committee reported a substitute version of welfare reauthorization bill H.R. 4, entitled PRIDE, on October 3, 2003. The legislation would have increased mandatory child care funding by \$1 billion over five years above the current funding level of \$2.717 billion a year. This is the same level of child care funding proposed in the House-passed version of H.R. 4. During the mark-up of PRIDE, Senator Snowe indicated plans to offer an amendment for a greater child care increase when the bill was brought to the Senate floor (see below).

¹⁵ For more detailed information on previous legislative activity during the 107th Congress, see CRS Report RL30944, *Child Care Issues in the 107th Congress*, by Melinda Gish.

Snowe Amendment to H.R. 4 (approved March 30, 2004; 78-20). S.Amdt. 2937 would have provided an additional \$6 billion (over five years) in mandatory child care funding, above the \$1 billion (\$200 million in each of five years) provided in the underlying bill, H.R. 4. The additional \$6 billion would have been allotted among the years as follows: \$700 million in FY2005; \$1 billion in FY2006; \$1.2 billion in FY2007; \$1.4 billion in FY2008; and \$1.7 billion in FY2009.

S. 5, by Senator Talent (introduced February 14, 2003)

The Compassion and Personal Responsibility Act, S. 5, contained identical child care provisions (Title II of the bill) to those included in the House-passed version of H.R. 4 (see above).

S. 261, by Senator Bingaman (introduced January 30, 2003)

The Children First Act of 2003, S. 261, included provisions that would have increased mandatory funding for child care (\$3.967 billion in FY2004, rising to \$5.967 billion in FY2008). In addition, it would have increased the child care quality set-aside from 4% to 10%. The bill would also have amended Title IV-A of the Social Security Act to exclude child care assistance from the determination of the five-year limit on TANF assistance.

Comprehensive Child Care Legislation

The largest and most comprehensive child care-related bill introduced during the 108th Congress was the Leave No Child Behind Act of 2003 (S. 448/H.R. 936), introduced by Senator Dodd and Representative George Miller. The bill was a reintroduced version of earlier legislation, and features proposals that would have: increased the CCDBG discretionary funding authorization to \$3.5 billion in FY2004, rising to over \$20 billion for FY2013; increased the Head Start authorized funding level to \$7 billion in FY2004, rising to \$20 billion in FY2013; allocated 5% of total CCDBG funds in FY2004 (rising to 10% in 2009) to improve and expand infant child care; expanded the set-aside for Early Head Start; required states to pay child care providers at least the 100th percentile of the market rate for care; created a program to improve wages and skills of child care staff; increased the CCDBG quality set-aside from 4% to 12%; and required all providers receiving CCDBG, or who work in programs receiving CCDBG funding, to have training in early childhood development.

Another broad-reaching bill, the Right Start Act of 2003 (S. 18), was introduced by Senator Daschle, and included increased funding authorization for Head Start (\$7.5 billion in FY2004, rising to \$10.5 billion in FY2008) as well as increased mandatory funding for child care (\$3.7 billion in FY2004, rising to \$6.7 billion in FY2008). This bill would also have increased the child care quality set-aside from 4% to 10%.

Other Child Care-Related Legislation

Other bills that were introduced in the 108th Congress (but not enacted into law) include H.R. 895 (McCarthy), a bill to provide for the construction and renovation of child care facilities; S. 668 (Reed), a bill to improve quality and access to CCDF child care by increasing provider payment rates; S. 388 (Roberts), a bill to expand the dependent care tax credit and the dependent care assistance program; S. 864 (Edwards), a bill to provide child care assistance grants to members of the military in active duty; H.R. 3007 (Kucinich) a bill to assist states in establishing universal pre-K; S. 2654 (Dodd) a bill to create "kindergarten plus" programs via competitive grants to states; H.R. 4296 (Pomeroy), a bill to authorize the CAMPIS program at higher levels and to raise the minimum grant level; and S. 405 (DeWine), a bill to provide loan forgiveness for preschool teachers in a variety of educational and child care settings. Also pertaining to loan forgiveness

was S. 140 (Feinstein), which would extend loan forgiveness to Head Start teachers for certain types of loans.

Hearings

- On July 22, 2003, the Senate Committee on Health, Education, Labor, and Pensions held a hearing, "Reauthorizing Head Start: Preparing Children to Succeed in School and in Life."
- On March 12, 2003, the Senate Finance Committee held a hearing, "Welfare Reform: Building on Success," which featured discussion of child care funding in the context of welfare reform.
- On March 6, 2003, the House Education and Workforce Committee's Subcommittee on Education Reform held a hearing, "Head Start: Working Towards Improved Results for Children." Testimony can be accessed at http://edworkforce.house.gov/hearings/108th/edr/ headstart030603/wl030603.htm.

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